PATENT LITIGATION

DuaneMorris®

Duane Morris patent litigators combine mastery in trial advocacy, an in-depth knowledge of patent law, an aptitude for science and technology, and a focus on our clients' business objectives. We represent clients in defending against claims of patent infringement, enforcing their patents, and handling disputes concerning inventorship and ownership of patents.

We present complex technologies and concepts to judges and juries in a simple and persuasive way. In patent cases, our litigators either have the necessary technical knowledge or work closely with patent specialists. Several dozen Duane Morris attorneys practice before the United States Patent and Trademark Office (USPTO). Our attorneys and patent agents hold technical or scientific degrees—and in some cases Ph.D.s—in fields such as computer science; electrical, mechanical, nuclear and chemical engineering; physics; microbiology; molecular biophysics; and biochemistry. We have litigated cases across the United States, and we have won trials in every key jurisdiction for patent litigation, including the District of Delaware, Eastern District of Texas, District of New Jersey and all of the districts in California.

Duane Morris attorneys' combination of extensive trial experience as lead counsel in litigation before state and federal courts, along with unique trial experience within the USPTO, can help clients take advantage of, and respond to, *inter partes* review (IPR). Duane Morris has quickly become a go-to firm for IPR proceedings.

We understand that our job is to get clients out of litigation and back to business as quickly as possible. Our focus is on our clients' objectives and the most cost-effective means of achieving them. If a creative business resolution is in order, we will litigate the case in a manner that will drive the case toward such a resolution.

Named a **2024 INTELLECTUAL PROPERTY PRACTICE GROUP OF THE YEAR** by *Law360*

CHAMBERS USA writes that Duane Morris' Intellectual Property Practice Group is "an experienced group with a breadth of highly effective practitioners capable of providing assistance on the full range of IP matters, including patents, trademarks, copyrights and licensing. Acts for an impressive raft of clients, including market leaders in life sciences, consumer products, telecommunications and beverages. Represents both defendants and plaintiffs in IP litigation concerning patent and copyright infringement as well as trade secret and noncompete disputes. A source remarks: *'Duane Morris provides excellent representation and superb value on patent disputes.'*"

Named Awesome Opponent and Litigation Leader in Multiple Categories in BTI's Litigation Outlook 2024.

Ranked a Standout Firm in IP Litigation in BTI's Litigation Outlook 2024.

Ranked the **TOP FIRM** representing petitioners before the Patent Trial and Appeal Board (PTAB), according to Unified Patents' institutional success index (2018-2024).

Ranked a **TOP 10 FIRM** (North America - North East) by *Patent Lawyer* magazine from 2022- 2025.

REPRESENTATIVE MATTERS

- *Wawrzynski v. H.J. Heinz Co., et al.* (W.D. Pa. 2015). Defense verdict of the largest indirect-profits copyright award of $30.4 million in a jury trial, in which plaintiff claimed Heinz used his ideas in Heinz's Dip and Squeeze ketchup package.
- *Eon v. Cisco Systems* (N.D. Cal.). Obtained summary judgment of noninfringement for Cisco Systems, Inc., in a case brought by Eon Corp. IP Holdings alleging infringement of patents covering wireless modem technology. Won affirmance on appeal before the Federal Circuit.
- *Garnet Digital, LLC v. Seagate Technology LLC, 6:13-cv-00655* (E.D. Tex.). Obtained summary judgment of noninfringement for Seagate Technology LLC in the Eastern District of Texas regarding a telecommunications patent.
- *MyMail v. EarthLink, AOL, SBC, AT&T, and Verizon* (E.D. Tex.). Obtained what was reported as the first-ever grant of summary judgment of noninfringement in the Eastern District of Texas. In the final hearing after the district court granted summary judgment of noninfringement, the court stated on the record: "This is a very close call on this claim construction and on the summary judgment. Mr. Jameson [chair of Duane Morris' IP Practice Group] and his co-counsel made an outstanding presentation during the summary judgment, [and] it was a close call and I called it." We also won the appeal, obtaining an affirmance by the Federal Circuit. *MyMail, Ltd. v. America Online, Inc.*, 476 F.3d 1372 (Fed. Cir. 2007).
- *Crossroads Systems v. Cisco Systems and NetApp* (W.D. Tex.). Obtained an order staying the case against our clients, Cisco and NetApp, pending the IPR proceedings on the patents-in-suit, and then won the IPR proceedings and invalidated all claims of all patents.
- *CBT Flint Partners, LLC v. Return Path, Inc. and Cisco IronPort Systems, LLC* (N.D. Ga.). Obtained multiple summary judgment orders for Cisco resolving all merits issues, and won affirmances of summary judgments on appeal before the Federal Circuit. Also won discovery sanctions against plaintiff and its Am Law 50 law firm, requiring them to reimburse substantial attorneys' fees relating to a discovery dispute. Additionally, the district court ordered the plaintiff to pay all of Cisco's e-discovery costs (approximately $250,000) as part of the costs taxable against the plaintiff when the defendant is the prevailing party. CBT filed a separate appeal against that order, which resulted in a precedent-setting decision regarding the recoverability of e-discovery costs to the winning party in patent cases. *CBT Flint Partners, LLC v. Return Path, Inc. and Cisco IronPort Systems, LLC*, 737 F.3d 1320 (Fed. Cir. 2013).
- *Eon v. AT&T* (D. Del.). Obtained summary judgment of invalidity for indefiniteness for AT&T against patents covering wireless modem technology. Won affirmance on appeal before the Federal Circuit.
- *Affinity Labs v. Volkswagen and Hyundai* (E.D. Tex.). Won jury verdict of infringement in the Eastern District of Texas for a patent holder against two major automobile manufacturers, resulting in a $15 million judgment and a multimillion-dollar annual ongoing royalty.
- *Inline v. EarthLink* (D. Del.). Won jury verdict in the District of Delaware for EarthLink regarding three patents relating to ADSL technology, in which the jury found the patents were not infringed and invalid on numerous grounds.

- *BAE v. Aeroflex* (D. Del.). Obtained summary judgment in the District of Delaware against all claims in patent and trade secret litigation between major military contractors relating to technology to protect low-flying aircraft from heat-seeking missiles.
- *Howmedica v. Wright Medical* (D. N.J.). After taking over a seven-year-old case from former counsel, obtained summary judgment in the District of New Jersey for Wright Medical that a key competitor's patent relating to prosthetic knees is invalid, leaving only our fee claims for inequitable conduct pending.
- *UAT v. CenturyLink* (D. Del.). Obtained judgment on the pleadings for CenturyLink in the District of Delaware based on collateral estoppel for a major telecommunications company in patent litigation relating to ADSL technology.
- Won a complete defense verdict on all four patents-at-issue for a major manufacturer of cable set-top boxes in what was then the largest Section 337 proceeding ever tried before the International Trade Commission.
- *PersonalWeb v. NetApp* (E.D. Tex. and N.D. Cal. 2013). Obtained on behalf of NetApp, Inc. an order staying a suit against it until the USPTO reviewed the validity of patents owned by PersonalWeb Technologies LLC. The review resulted in the invalidation of all asserted claims.

ABOUT DUANE MORRIS

Duane Morris LLP, a law firm with more than 900 attorneys in offices across the United States and internationally, is asked by a broad array of clients to provide innovative solutions to today's legal and business challenges.

FOR MORE INFORMATION, PLEASE CONTACT:

LOUIS NORWOOD "WOODY" JAMESON, Partner
404.253.6915 | wjameson@duanemorris.com

MATTHEW C. GAUDET, Partner
404.253.6902 | mcgaudet@duanemorris.com

ANTHONY J. FITZPATRICK, Partner
857.488.4220 | ajfitzpatrick@duanemorris.com